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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/698,328

Applicant(s)

CLARK, EDWARD ALAN

Examiner

Kyung Hye Shin

Art Unit

2443

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responding to application amendments filed on 4-30-2009.
2. Claims 1 - 30 are pending. Claim 29 has been amended. Claim 30 is new. Claims 1, 17, 20 are independent. This application was filed on 10-31-2003.

Response to Arguments

- 3 Applicant's arguments have been fully considered but were not persuasive.
- 3.1 Applicant argues that the referenced prior art does not disclose, *a priority selection method.* (Remarks Page 11)

Battle discloses the selection of an identifier such as a call identifier from a list of call identifiers. (Battle col 29, ll 55-57: random method (one method) used to select; call station (linked to identifier) selected from the list of eligible call stations; col 30, ll 2-7: random number is computed which ranges from 1 to number of call stations; call station at the position of random number becomes the one selected)

Murto discloses the specific usage of a priority based selection procedure for the selection of an identifier. (Murto col 4, ll 36-53: monitors traffic load; divides stations into groups according to load; overloaded paging groups (identifiers) are classified into a lower priority paging group; lightly loaded paging groups are classified into higher priority paging group) Murto discloses that message is transmitted first only in cells identified by higher priority group. Claim limitation discloses a selection of an identifier based on a priority selection. Murto in the Office Action is only indicated to disclose a selection completed based on a priority method (a priority selection method). The

Office Action indicates the claim limitations addressed by each particular prior art reference.

3.2 Applicant argues that the referenced prior art does not disclose, *Murto and "selection of an identifier that can distinguish calls associated with one or more application server components in a data network". (Remarks Page 12)*

Murto is not used to disclose selection of an identifier. Battle is used to disclose selection of an identifier in a call control environment. (Battle col 29, ll 55-57: random method (one method) used to select; call station (linked to identifier) selected from the list of eligible call stations; col 30, ll 2-7: random number is computed which ranges from 1 to number of call stations; call station at the position of random number becomes the one selected)

3.3 Applicant argues *the obviousness rejection and hindsight. (Remarks Page 12-14)*

Achieved advantage is a valid motivation for the combination of referenced prior art. The combination of each referenced prior art combination states a motivation for the combination, which translates to an achieved advantage for the combination. All of the referenced prior art is in the same field of endeavor and a search by one skilled in the art would have returned the referenced prior art within the set of returned prior art.

It is not a requirement that the referenced prior art solve the same problem as the claimed invention in order to be combinable. There are three criteria for combination:

(1) same file of endeavor; (2) motivation for the combination; and (3) successful disclosure of claim limitation due to prior art combination.

Savage, Mikhailov, Battle, and Murto concern messaging in a communications environment utilizing call control procedures. The set of prior art references are in the same field of endeavor, which is one of the requirements for obviousness.

The rejection to each independent and dependent claim includes a citation from the referenced prior art that discloses the basis for the rejection. Each obviousness combination clearly indicates the claim limitation the combined reference prior art teaches. In addition, a cited passage from the referenced prior art clearly indicates the motivation for the obviousness combination. Each obviousness combination's disclosure is equivalent to the Applicant's claimed limitation(s) for the claimed invention.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was

within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

3.4 Applicant argues *the dependent claims*. (Remarks Page 15)

The successful responses to arguments for independent claims 1, 17, 20, also successfully respond to the current arguments against dependent claims 2 - 14, 15 - 16, 21 - 29.

Claim Rejections - 35 USC § 103

The text of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims **1 - 6, 8 - 14, 17 - 24, 26 - 29, 30** are rejected under 35 U.S.C. 103 (a) as being unpatentable over **Savage, III et al.** (US PG PUB No. **20010009014**) in view of **Mikhailov et al.** (US PG PUB No. **20020080949**) and further in view of **Battle** (US Patent No. **6,081,592**) and **Murto et al.** (US Patent No. **5,966,662**).

Regarding Claim 1, Savage discloses an apparatus, comprising:

one or more application server components that transmit one or more user inputs to one or more telephony devices on a call through employment of one or more data streams associated with the call; (Savage ¶ 017, ll 1-6; multiple servers, clients (telephony devices); ¶ 108, ll 5-9: telephony devices (i.e. electronic transmission of voice, RTP); ¶ 017, ll 8-14: client requests (i.e. user inputs); in

response to request from a client to join a first conference; ¶ 019, ll 8-15; ¶ 089, ll 1-6; ¶ 052, ll 1-7: information regarding other participants in conference transmitted from server to each client; participants names displayed on each client's user interface; data transmissions (data streams) between multiple clients (i.e. telephony devices) and servers, conference communications) wherein the one or more application server components establish the one or more data streams via employment of

a) one or more data stream request messages; (Savage ¶ 017, ll 8-14: client requests (i.e. user inputs); ¶ 048, ll 1-13; ¶ 049, ll 4-5: client contacts authentication server to join conference; in response server transmits a connect command to client)

b) one or more identifiers which distinguish calls associated with one or more application server components; (Savage ¶ 091, ll 6-15: each atom is also characterized by a priority and identifies client of origin; stream, identifier: ¶ 050, ll 1-8: client sends join request to server with parameters; parameters may include: conference name, account number, user name, web host IP; identification information within setup parameters)

Savage discloses call control functionality. (Savage ¶ 017, ll 8-14: client requests; ¶ 048, ll 1-13; ¶ 049, ll 4-5: in response to setup call (request)) Savage does not explicitly disclose a Bearer Independent Call Control (BICC) protocol. However, Mikhailov discloses wherein a Bearer Independent Call Control (BICC) protocol as (Mikhailov ¶ 012, ll 1-4: accessing bearer channel of subscribers during

call progress; ¶ 038, II 4-13: service messages exchanged directly between systems; BICC messages exchanged between systems; ¶ 043, II 1-13: BICC call control messages exchanged between network elements; ISUP+(BICC) messages exchanged)

Savage-Mikhailov does not explicitly disclose selecting identifiers.

However, Battle discloses wherein select identifiers. (Battle col 29, II 55-57: random method (one method) used to select; call station (linked to identifier) selected from the list of eligible call stations; col 30, II 2-7: random number is computed which ranges from 1 to number of call stations; call station at the position of random number becomes the one selected)

Savage-Mikhailov-Battle does not explicitly disclose a priority selection method.

However, Murto discloses wherein a priority selection method. (Murto col 4, II 36-53: monitors traffic load; divides stations into groups according to load; overloaded paging groups (identifiers) are classified into a lower priority paging group; lightly loaded paging groups are classified into higher priority paging group)

It would have been obvious to one of ordinary skill in the art to modify Savage for communicating with Bearer Independent Call Control (BICC) protocol as taught by Mikhailov, and to modify Savage-Mikhailov for selecting identifiers as taught by Battle, and to modify Savage-Mikhailov-Battle for a priority selection method as taught by Murto. One of ordinary skill in the art would have been motivated to employ the teachings of Mikhailov for flexible messaging and service features to

telephone subscribers and permits service delivery economically (Mikhailov ¶ 010, II 1-8), and to employ the teachings of Battle for greater flexibility in structuring both regular and call-handling tasks by automatically directing call work to individuals (Battle col 3, II 17-20), and to employ the teachings of Murto to prevent unnecessary signaling between stations during call establishment due to inadequate channel resources. (Murto col 2, II 6-10)

Regarding Claim 2, Savage discloses the apparatus of claim 1, wherein the one or more application server components (Savage Figure 1; ¶ 017, II 1-6: server(s), facilitate communications between clients) cooperate with the one or more telephony devices to establish one or more web portals that are employable by the one or more telephony devices to initiate the one or more user inputs. (Savage ¶ 011, II 4-9; ¶ 005, II 1-5: conferencing system; scaleable to any number of simultaneous users and any number of portals (web portals interface), ¶ 023, II 1-6: graphical user interface transmitted to first client for client inputs via the network)

Regarding Claim 3, Savage discloses the apparatus of claim 2, wherein the one or more application server components (Savage Figure 1; ¶ 017, II 1-6: server(s) facilitate communications between clients) employ the one or more web portals to receive the one or more user inputs from the one or more telephony devices. (Savage ¶ 011, II 1-9; ¶ 005, II 1-5: provides connections among plurality of clients for transmission of data and thereby facilitates a conference including clients; web portals, real-time

communications between clients; ¶ 019, II 8-15; ¶ 089, II 4-6: user inputs transferred between clients (i.e. telephony devices))

Regarding Claim 4, Savage discloses the apparatus of claim 2, wherein the one or more application server components (Savage Figure 1; ¶ 017, II 1-6: server(s) facilitate communications between clients) associate the one or more web portals with the one or more data streams. (Savage ¶ 011, II 1-9: conferencing system is provided, scaleable to any number of simultaneous users and any number web portals, real-time communications among multiple clients; ¶ 019, II 8-15: server facilitates conference communication between clients; ¶ 089, II 4-6: inputs incoming data stream from clients and transmits outgoing data streams to clients; server(s) control communications (i.e. data streams) between clients)

Regarding Claim 5, Savage discloses the apparatus of claim 2, wherein the one or more application server components (Savage Figure 1; ¶ 017, II 1-6: server(s), facilitate communications between clients) provide one or more interfaces through employment of the one or more web portals for employment by the one or more telephony devices to initiate the one or more user inputs. (Savage ¶ 017, II 8-14; ¶ 022, II 1-11: server responds to request from client to facilitate ore create first conference; setup data streams between clients)

Regarding Claim 6, Savage discloses the apparatus of claim 2, wherein the one or

more application server components (Savage Figure 1; ¶ 019, II 1-4: server(s) facilitate communications between clients) employ an internet protocol to establish the one or more web portals. (Savage ¶ 108, II 5-9; ¶ 095, II 1-7: RTP, UDP/IP (i.e. Internet protocols); ¶ 040, II 3-6: Internet communications between servers and clients)

Regarding Claim 8, Savage discloses the apparatus of claim 1, wherein the one or more application server components allow the one or more telephony devices to interact through employment of the one or more data streams. (Savage ¶ 019, II 8-15; ¶ 089, II 4-6: data streams (i.e. incoming and outgoing) utilized for communications between clients, controlled by servers)

Regarding Claim 9, Savage discloses the apparatus of claim 8,

- a) wherein the one or more application server components employ the one or more data streams to transfer data related to one or more interactions available to the one or more telephony devices; (Savage ¶ 019, II 8-15; ¶ 086, II 1-6: server(s) control communications between multiple clients (i.e. telephony devices))
- b) wherein the one or more application server components provide the one or more interactions to the one or more telephony devices for employment by the one or more telephony devices to interact with one or more of the one or more telephony devices. (Savage ¶ 019, II 8-15; ¶ 086, II 1-6: server(s) control the communications (i.e. interactions) between multiple clients (i.e. telephony devices))

Regarding Claim 10, Savage discloses the apparatus of claim 9, wherein the one or more application server components associate the call with the one or more interactions available, and wherein the one or more application server components provide the one or more interactions available that allow the telephony devices to initiate the one or more user inputs from the one or more available interactions. (Savage ¶¶ 022, ll 1-11; ¶¶ 020, ll 8-16: server (i.e. dispatch server) initiates communications for clients (i.e. telephony device))

Regarding Claim 11, Savage discloses the apparatus of claim 8,

- a) wherein the one or more application server components comprise a first application server component and a second application server component, and wherein the one or more telephony devices comprise a first telephony device and a second telephony device; (Savage Figure 1; ¶¶ 017, ll 1-6: multiple server (i.e. application server), multiple clients (i.e. telephony devices))
- b) wherein the first application server component provides one or more interactions available to the first telephony device that allow the first telephony device to initiate a user input from the one or more interactions available; (Savage ¶¶ 017, ll 8-14; ¶¶ 023, ll 1-6: user interface to initiate communications, conference)
- c) wherein in response to the user input from the first telephony device to the first application server component, the first application server component transmits the user input to the second application server component through employment

- of the one or more data streams; (Savage ¶ 019, ll 8-15; ¶ 089, ll 4-6: data streams utilized for communications between clients (i.e. telephony devices))
- d) wherein the second application server component provides the user input to the second telephony device. (Savage ¶ 019, ll 8-15; ¶ 089, ll 1-6: server(s) control communications for clients (i.e. first, second telephony devices))

Regarding Claim 12, Savage discloses the apparatus of claim 11,

- a) wherein the user input comprises a first user input of the one or more user inputs, and wherein the second telephony device initiates a second user input to the first telephony device; (Savage ¶ 019, ll 8-15; ¶ 089, ll 1-8; ¶ 052, ll 1-7: first, second clients (i.e. first, second telephony devices) in communications, conference capability, multiple clients (i.e. telephony devices) in communications)
- b) wherein the first application server component and the second application server component cooperate to transmit the second user input to the first application server component through employment of the one or more data streams; (Savage ¶ 048, ll 3-6: dispatch server, media server communicate for authentication, authentication server validates request and transmits request to dispatch server; ¶ 052, ll 1-7: multiple clients (i.e. telephony devices) in communications)
- c) wherein the first application server component provides the second user input to the first telephony device. (Savage ¶ 019, ll 8-15; ¶ 089, ll 1-6: data stream, input/response for clients (i.e. telephony devices), multiple clients (i.e. telephony

devices) in communications)

Regarding Claim 13, Savage discloses the apparatus of claim 2,

- a) wherein the one or more user inputs comprise one or more sales interactions (Savage ¶ 056, ll 8-14: sales function interaction), wherein the one or more telephony devices comprise a first telephony device and a second telephony device; (Savage Figure 1; ¶ 011, ll 1-4: multiple clients (i.e. first, second telephony devices))
- b) wherein the one or more application server components provide the one or more sales interactions (Savage ¶ 056, ll 8-14: sales function interaction) that allow the first telephony device to initiate one or more of the one or more sales interactions to the second telephony device; (Savage ¶ 019, ll 8-15; ¶ 089, ll 4-6: information exchanged between multiple clients (i.e. first, second))
- c) wherein the one or more application server components cooperate to transmit the one or more of the one or more sales interactions (Savage ¶ 056, ll 8-14: sales function interaction) from the first telephony device to the second telephony device through employment of the one or more data streams. (Savage ¶ 019, ll 8-15; ¶ 089, ll 1-6: data streams (i.e. incoming, outgoing) transmit information between clients (i.e. telephony devices))

Regarding Claim 14, Savage discloses the apparatus of claim 13,

- a) wherein the one or more sales interactions (Savage ¶ 056, ll 8-14: sales function

interaction) comprise a request for authorization, and wherein the one or more application server components provide the one or more sales interactions that allow the first telephony device to initiate the request for authorization to the second telephony device; (Savage ¶ 048, ll 1-13; ¶ 073, ll 1-9: authentication, validation request for client)

- b) wherein in response to the request for authorization from the first telephony device to the first application server component, the first application server component transmits the request for authorization to the second application server component through employment of the one or more data streams; (Savage ¶ 048, ll 3-6: servers communicate for authentication, authentication server validates request and transmits request to dispatch server)
- c) wherein the second application server component provides the request for authorization to the second telephony device that allows the second telephony device to initiate a response to the request for authorization. (Savage ¶ 048, ll 1-13; ¶ 073, ll 1-9: authentication, validation request of clients (i.e. first, second telephony devices))

Regarding Claim 17, Savage discloses a method, comprising the step of:

- 1) transmitting one or more user inputs to one or more telephony devices on a call through employment of one or more data streams associated with the call. (Savage ¶ 017, ll 1-6: multiple clients (i.e. telephony devices); ¶ 019, ll 8-15; ¶ 089, ll 4-6: data stream (i.e. user inputs/responses) transmitted between clients)

- 2) wherein the one or more application server components establish the one or more data streams via employment of
- a) one or more data stream request messages; (Savage ¶ 017, lines 8-14: client requests (i.e. user inputs); ¶ 048, ll 1-13; ¶ 049, ll 4-5: in response to setup call (request))
 - b) one or more identifiers which distinguish calls associated with one or more application server components (Savage ¶ 091, ll 6-15: stream, identifier: ¶ 050, ll 1-8: as identifier within parameter)

Savage discloses call control functionality. (Savage ¶ 017, ll 8-14: client requests (i.e. user inputs); ¶ 048, ll 1-13; ¶ 049, ll 4-5: in response to setup call (request))

Mikhailov discloses wherein a Bearer Independent Call Control (BICC) protocol as stated above.

Battle discloses wherein select the identifiers as stated above.

Murto discloses wherein a priority selection method as stated above.

Regarding Claim 18, Savage discloses the method of claim 17, wherein the step of transmitting the one or more user inputs the one or more telephony devices on the call through employment of the one or more data streams associated with the call comprises the steps of:

- a) establishing one or more web portals with the one or more telephony devices;

(Savage ¶ 011, ll 1-9: web portal, communications with multiple clients (i.e. telephony devices))

- b) initiating the one or more user inputs through employment of the one or more web portals; (Savage ¶ 011, ll 1-9: web portals, real-time communications between portal and clients (i.e. telephony devices); ¶ 023, ll 1-6: user interface, user inputs)
- c) transmitting the one or more user inputs through employment of the one or more data streams. (Savage ¶ 019, ll 8-15; ¶ 089, ll 1-6: data stream transmissions for client (i.e. user) inputs/responses)

Regarding Claim 19, Savage discloses the method of claim 18, wherein the one or more telephony devices comprise a first telephony device and a second telephony device, and wherein the step of transmitting the one or more user inputs through employment of the one or more data streams comprises the steps of:

- a) associating the one or more web portals with the call; (Savage ¶ 011, ll 1-9: web portal; ¶ 040, ll 3-6: communications network; ¶ 051, ll 5-26: call setup/communications capabilities)
- b) associating the one or more web portals with the one or more data streams. (Savage ¶ 011, ll 1-9: portals communications; ¶ 089, ll 4-6; ¶ 019, ll 8-15: data stream (i.e. incoming, outgoing), communications between clients (i.e. telephony devices))

Regarding Claim 20, Savage discloses a computer-readable medium having computer executable instructions for performing steps, comprising:

- 1) means in the one or more media for transmitting one or more user inputs to one or more telephony devices on a call through employment of one or more data streams associated with the call; (Savage ¶ 131, ll 1-8: software, implementation means)
- 2) wherein the one or more application server components establish the one or more data streams via employment of
 - a) one or more data stream request messages; (Savage ¶ 017, ll 8-14: client requests (i.e. user inputs); ¶ 048, ll 1-13; ¶ 049, ll 4-5: in response to setup call (request))
 - b) one or more identifiers which distinguish calls associated with one or more application server components; (Savage ¶ 091, ll 6-15: stream, identifier: ¶ 050, ll 1-8: as identifier within parameter)

Savage discloses call control functionality. (Savage ¶ 017, ll 8-14: client requests (i.e. user inputs); ¶ 048, ll 1-13; ¶ 049, ll 4-5: in response to setup call (request))

Mikhailov discloses a Bearer Independent Call Control (BICC) protocol as stated above.

Battle discloses wherein selecting identifiers as stated above.

Brown discloses wherein a priority selection method as stated above.

Regarding Claim 21, Savage discloses the apparatus of claim 1, wherein the one or more identifiers comprise a network address, a port number, and an identification tag. (Savage ¶ 050, ll 1-8: as identifier within parameter, web host IP; ¶ 094, 13-16: source ID (used to identify client))

Regarding Claim 22, Savage discloses the apparatus of claim 1 and application server components.

Battle discloses wherein selecting identifiers as stated above.

Murto discloses wherein a priority selection method as stated above.

Regarding Claim 23, Savage discloses the apparatus of claim 1. (Savage ¶ 017, ll 1-6; multiple servers, multiple clients (i.e. telephony devices); ¶ 019, ll 8-15; ¶ 089, ll 1-6; ¶ 052, ll 1-7: data transmissions between multiple clients (i.e. telephony devices) utilizing servers, conference communications)

Savage does not explicitly disclose a selection method and a switch component.

However, Battle discloses wherein a selection. (Battle col 29, ll 55-57: random method (one method) used to select; call station selected from the list of eligible call stations; col 30, ll 2-7: random number is computed which ranges from 1 to number of call stations; call station at the position of random number becomes one selected) And, Battle discloses wherein information provided by a switch component. (Battle col 7, ll 40-46: switch hardware, used in connecting calls; col 21, ll 1-4: call coupling and call

processing control means in a switch)

It would have been obvious to one of ordinary skill in the art to modify Savage for selection using one method and a switch component as taught by Battle. One of ordinary skill in the art would have been motivated to employ the teachings of Battle for greater flexibility in structuring both regular and call-handling tasks by automatically directing call work to individuals. (Battle col 3, ll 17-20)

Regarding Claim 24, Savage discloses the apparatus of claim 1 wherein one or more application server components to communicate. (Savage ¶ 017, ll 1-6; multiple servers, multiple clients (i.e. telephony devices); ¶ 019, ll 8-15; ¶ 089, ll 1-6; ¶ 052, ll 1-7: data transmissions between multiple clients (i.e. telephony devices) utilizing servers, conference communications)

Savage does not explicitly disclose Session Initiation Protocol (SIP).

However, Mikhailov discloses wherein employing Session Initiation Protocol (SIP). (Mikhailov ¶ 013, ll 10-12: configured to exchange SIP signaling messaging)

It would have been obvious to one of ordinary skill in the art to modify Savage for Session Initiation Protocol (SIP) as taught by Mikhailov. One of ordinary skill in the art would have been motivated to employ the teachings of Mikhailov for flexible messaging and service features to telephone subscribers and permits service delivery economically. (Mikhailov ¶ 010, ll 1-8)

Regarding Claim 26, Savage discloses the apparatus of claim 1, wherein the one or

more telephony devices are computers. (Savage ¶ 129, ll 1-3: computer system used to implement various servers and clients described herein; specification discloses that telephony device can be a computer, web-enabled device (a computer also), or a telephone))

Regarding Claim 27, Savage discloses the apparatus of claim 1, wherein the one or more telephony devices are web-enabled devices. (Savage ¶ 129, ll 1-3: computer system which may be used to implement the various servers and clients described herein; specification discloses that telephony device can be a computer, web-enabled device (a computer also), or a telephone))

Regarding Claim 28, Savage discloses the apparatus of claim 1. Savage does not explicitly disclose ISUP protocol. However, Mikhailov discloses wherein another one of the one or more call control protocols is an Integrated Services Digital Network User Part (ISUP) protocol. (Mikhailov ¶ 037, ll 1-8: call control messaging such as ISUP, translates message to determine service to be provided in response to call control message)

It would have been obvious to one of ordinary skill in the art to modify Savage for communicating with ISUP protocol as taught by Mikhailov. One of ordinary skill in the art would have been motivated to employ the teachings of Mikhailov as stated above.

Regarding Claim 29, Savage discloses the apparatus of claim 1.

Savage does not explicitly disclose TCAP protocol.

However, Mikhailov discloses wherein another one of the one or more call control protocols is a Transaction Capabilities Application Part (TCAP) protocol. (Mikhailov ¶¶ 038, II 15-21: TCAP transaction enables a service feature requesting a calling party to select an item from a menu)

It would have been obvious to one of ordinary skill in the art to modify Savage for communicating with TCAP protocol as taught by Mikhailov. One of ordinary skill in the art would have been motivated to employ the teachings of Mikhailov as stated above.

Regarding Claim 30, Savage discloses the apparatus of claim 1, wherein a switch component is pre-provisioned to communicate with at least one of the one or more application server components. (Savage ¶¶ 040, II 26-28: dispatch server communicates with media servers and clients via switch 105; switch provisioned in one embodiment to communication with media (application) server; standby dispatch server 110 runs a service which monitors dispatch server 102 (server 110 setup or pre-provisioned) to monitor (communicate) with server 102))

5. Claims **7, 15, 16, 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Savage-Mikhailov-Battle-Murto** and further in view of **Cloutier et al.** (US PGPUB No. **20040015405**).

Regarding Claim 7, Savage discloses the apparatus of claim 6, further comprising wherein the internet protocol, wherein the one or more application server components

employ communications to establish the one or more web portals. (Savage ¶ 040, ll 3-6: Internet communications; ¶ 011, ll 4-9; ¶ 005, ll 1-5: web portals interface)

Savage does not explicitly disclose HTTP protocol.
However, Cloutier discloses:

wherein a HyperText Transport Protocol (HTTP); (Cloutier ¶ 016, ll 5-11: telephony services; ¶ 058, ll 5-12: web portal capabilities; ¶ 055, ll 5-9; HTTP protocol, HTML language)

It would have been obvious to one of ordinary skill in the art to modify Savage for HTTP protocol as taught by Cloutier. One of ordinary skill in the art would have been motivated to employ the teachings of Cloutier for a more efficient service provider selection process by providing a single interface to evaluate broadband service providers. (Cloutier ¶ 092, ll 10-16)

Regarding Claim 15, Savage discloses the apparatus of claim 2,

- a) wherein the one or more user inputs comprise one or more support interactions, and wherein the one or more telephony devices comprise a first telephony device and a second telephony device; (Savage ¶ 017, ll 1-6: multiple clients (i.e. first, second telephony devices); ¶ 019, ll 8-15; ¶ 089, ll 1-6: communications between clients (i.e. first, second telephony devices))
- b) wherein the one or more application server components provide the one or more support interactions that allow the first telephony device to initiate one or more of the one or more interactions to the second telephony device; (Savage ¶ 019, ll 8-

15; ¶ 089, II 1-6: communications between clients; ¶ 052, II 1-7: multiple client communications, conference)

- c) wherein the one or more application server components cooperate to transmit the one or more of the one or more interactions to the second telephony device through employment of the one or more data streams. (Savage ¶ 019, II 8-15; ¶ 089, II 1-6: communications between clients; ¶ 052, II 1-7: multiple client communications, conference)

Savage does not explicitly disclose support interactions.

However, Cloutier discloses wherein one or more support interactions. (Cloutier ¶ 016, II 5-11: telephony services; ¶ 058, II 5-12: web portal capabilities; ¶ 026, II 1-4; ¶ 046, II 10-23: support services interactions)

It would have been obvious to one of ordinary skill in the art to modify Savage for support interactions as taught by Cloutier. One of ordinary skill in the art would have been motivated to employ the teachings of Cloutier as stated above

Regarding Claim 16, Savage discloses the apparatus of claim 15,

- a) wherein the one or more support interactions comprise a service, and wherein the one or more application server components provide the one or more interactions to allow a user of the first telephony device to initiate the service to the second telephony device; (Savage ¶ 019, II 8-15; ¶ 089, II 1-6: communications, interactions between first and second client (i.e. first, second telephony devices))

- b) wherein in response to the service from the first telephony device to the one or more application server components, the one or more application server components transmit the service to the second telephony device through employment of the one or more data streams; (Savage ¶ 019, ll 8-15; ¶ 089, ll 1-6: communications (i.e. data streams), interactions between first and second client (i.e. first, second telephony devices))
- c) wherein the one or more application server components provide the service to the second telephony device that allows the first telephony device to interact with the second telephony device. (Savage ¶ 019, ll 8-15; ¶ 089, ll 1-6; ¶ 052, ll 1-7: communications (service), interaction between first and second client (i.e. first, second telephony devices))

Savage does not explicitly disclose diagnostic service.

However, Cloutier discloses wherein diagnostic service. (Cloutier ¶ 016, ll 5-11: telephony services; ¶ 058, ll 5-12: web portal capabilities; ¶ 047, ll 4-10; ¶ 053; ¶ 062, ll 1-9: maintenance (i.e. diagnostic) workstation, operations support,)

It would have been obvious to one of ordinary skill in the art to modify Savage for diagnostic service as taught by Cloutier. One of ordinary skill in the art would have been motivated to employ the teachings of Cloutier as stated above

Regarding Claim 25, Savage discloses the apparatus of claim 1 wherein the one or more application server components transfer data. (Savage ¶ 017, ll 1-6; multiple servers, multiple clients (i.e. telephony devices); ¶ 019, ll 8-15; ¶ 089, ll 1-6; ¶ 052, ll 1-

7: data transmissions between multiple clients (i.e. telephony devices) utilizing servers, conference communications)

Savage does not explicitly disclose an extended Markup Language (XML) interface. However, Cloutier discloses wherein an extended Markup Language (XML) interface. (Cloutier ¶ 060: web based interfaces implemented such as an XML interface)

It would have been obvious to one of ordinary skill in the art to modify Savage for an extended Markup Language (XML) interface as taught by Cloutier. One of ordinary skill in the art would have been motivated to employ the teachings of Cloutier as stated above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyung Hye Shin whose telephone number is (571)272-3920. The examiner can normally be reached on 9:30 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia L. Dollinger can be reached on (571) 272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kyung Hye Shin
Examiner
Art Unit 2443

KHS
August 5, 2009

/Tonia LM Dollinger/

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Supervisory Patent Examiner, Art Unit 2443